

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL W. HIATT, et al.,

Defendants.

CASE NO. C10-5333BHS

ORDER GRANTING
GOVERNMENT'S MOTION TO
STRIKE AND REQUIRING
DEFENDANTS TO FILE AN
ANSWER TO THE COMPLAINT

This matter comes before the Court on Plaintiff United States of America's ("Government") motion to strike and request for an order requiring Defendants to file an answer to the complaint conforming to Rule 8(b) of the Federal Rules of Civil Procedure (Dkt. 28). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants the motion for the reasons stated herein.

On May 11, 2010, the Government filed the complaint in this action seeking to reduce federal tax assessments to judgment and foreclose federal tax liens against Defendants. Dkt. 1. Defendants were served with the summons and complaint on June 11, 2010. Dkts. 15 & 16. On July 27, 2010, the Court granted Defendants' request for an

1 extension of time to file an answer to the complaint and ordered that an answer be filed
2 on or before August 10, 2010. Dkt. 17. On August 10, 2010, Defendants filed a
3 document titled “Notice of Special Appearance to Challenge Jurisdiction” (Dkt. 18) and a
4 copy of the complaint with the handwritten words “We Do Not Accept This Offer, We
5 Do Not Consent to These Proceedings, We Do Not Consent to Act As Surety” (Dkt. 19).
6 On August 24, 2010, Defendants filed a document titled “Default Notice of Special
7 Appearance to Challenge Jurisdiction.” Dkt. 22. On September 2, 2010, Defendants filed
8 a document titled “Demand for Credentials/Firm Offer to Settle.” Dkt. 25. On September
9 8, 2010, Defendants filed a document titled “Final Judgment Case Dismissed With
10 Prejudice.” Dkt. 26. On September 28, 2010, the Government filed its motion to strike
11 three documents (Dkts. 22, 25 & 26) and requesting the Court to deny the relief sought in
12 two of the documents (Dkts. 18 & 19) and to order Defendants to file an answer to the
13 complaint that conforms with Rule 8(b) of the Federal Rules of Civil Procedure. Dkt. 28.
14 Defendants did not file a response to the motion.
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16 The documents the Government seeks to strike, as well as the documents which
17 the Government construed to seek relief, do not contain any reference to any authority for
18 the propositions made by Defendants or the relief sought with respect to jurisdiction (Dkt.
19 18), non-acceptance of the complaint (Dkt. 19), default (Dkt. 22), demand for credentials
20 (Dkt. 25), or final judgment (Dkt. 26). In addition, none of the documents filed by
21 Defendants constitute a proper answer to the complaint under Rule 8(b). Moreover,
22 Defendants did not file a response to the Government’s motion. *See* Local Rule CR
23 7(b)(2) (stating that “[i]f a party fails to file papers in opposition to a motion, such failure
24 may be considered by the court as an admission that the motion has merit”).
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26 Therefore, it is hereby **ORDERED** that the Government’s motion to strike (Dkt.
27 28) is **GRANTED** and Defendants are to file an answer conforming to the requirements
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1 in Rule 8(b) on or before **November 24, 2010** or face sanctions up to and including
2 judgment in favor of the Government.

3 DATED this 10th day of November, 2010.

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6 BENJAMIN H. SETTLE
7 United States District Judge
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